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Retained Attorney for Defendant Randy Miller

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 15-CR-239-NDF
	)	
RANDY MILLER,	)	
	)	
Defendant.	)	

MOTION TO CONTINUE TRIAL SETTING AND RESET DEADLINES

COMES NOW, Randy Miller, by and through counsel, Ericka S. Smith of Smith Tortorich LLC, and hereby moves the Court for an Order continuing the trial setting and resetting associated deadlines.

1. Counsel was retained on November 18, 2016, and an Entry of Appearance (Doc. 28) was filed on that date.

2. Trial is currently scheduled for December 5, 2016 at 8:30 a.m.

3. The Government needs time to prepare discovery for new Counsel, and, in turn, Counsel will need time to review the discovery and properly advise her client of the same.

4. Counsel for the Government is working on providing the discovery.

5. Due to the holidays and other pending cases, Counsel asks for a delay of sixty (60) days. Under the Speedy Trial Act, U.S.C.18 § 3161(7)(A) this period of time can be excluded from the speedy trial calculation if the Court finds that "the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." Certainly it is appropriate when new counsel is retained to allow counsel and defendant proper time to adequately prepare for trial and/or to work with the Government to seek a plea agreement.

6. Counsel for the Government does not oppose this motion.

DATED this 18th day of November, 2016.

/s/ Ericka S. Smith
ERICKA S. SMITH
Attorney for Randy Miller

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of November, 2016, I filed the foregoing pleading electronically through the CM/ECF system.

/s/ Ericka S. Smith____________
ERICKA S. SMITH